

Express Mail No. EV 517 952 738 US

REMARKS**RECEIVED
CENTRAL FAX CENTER****Status of the claims:****JAN 12 2007**

With the above amendments, claims 15, 32, and 33 are amended, claims 24, 26, and 35-37 are canceled, and claims 15-16, 20-23, 25, 27-34, and 38-39 are pending and ready for further action on the merits. No new matter has been added by way of the above amendments. Support for the amendment to claim 15 can be found in claims 24 and 26. Claims 32 and 33 have been amended to put them in the correct Markush language format. Reconsideration is respectfully requested in light of the following remarks. No new issue has been raised as the Examiner has already examined claim 26, which the Examiner has indicated is allowable.

Rejections under 35 U.S.C. § 102

Claims 15, 16, 24, 25, 33, 38, and 39 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by JP '545 (JP 41-0275545). Applicants traverse.

JP '545 fails to disclose or remotely suggest heating a first element from the assembly as a means of de-encrypting the assembly as is claimed in independent claim 15. All other claims are either directly or indirectly dependent from claim 15. Accordingly, JP '545 cannot anticipate the present invention. Withdrawal of the rejection is warranted and respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 20-23 and 34 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over JP '545 (JP 41-0275545). Applicants traverse.

Express Mail No. EV 517 952 738 US

To establish a proper *prima facie* case of obviousness, three basic criteria must be met.

- 1) There must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.
- 2) There must be a reasonable expectation of success.
- 3) The prior art reference (or references when combined) must teach or suggest all the claim limitations.

See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) and MPEP 2142.

Applicants submit that the Examiner has failed to show any of these criteria. For example, the Examiner has failed to show criteria 3) that the prior art reference (or references when combined) teach or suggest all the claim limitations.

JP '545 fails to disclose or remotely suggest beating a first element from the assembly as a means of de-encrypting the assembly. Accordingly, JP '545 cannot render *prima facie* obvious the presently claimed invention. Withdrawal of the rejection is warranted and respectfully requested.

RECEIVED
CENTRAL FAX CENTER

JAN 12 2007

CONCLUSION

With the above amendments and remarks, Applicants believe that all objections and/or rejections have been obviated. Thus, each of the claims remaining in the application is in condition for immediate allowance. A passage of the instant invention to allowance is earnestly solicited.

Express Mail No. EV 517 952 738 US

Applicants believe that no fee is necessary, however, should a fee be deemed to be necessary, the Commissioner is hereby authorized to charge any fees required by this action or any future action to Deposit Account No. 16-1435.

Should the Examiner have any questions relating to the instant application, the Examiner is invited to telephone the undersigned at (336) 607-7486 to discuss any issues.

Respectfully submitted,

Date: December 7, 2006

Ben Schroeder

T. Benjamin Schroeder (Reg. No. 50,990)

KILPATRICK STOCKTON LLP
1001 West Fourth Street
Winston-Salem, North Carolina 27101-2400
Phone: (336) 607-7486
Facsimile: (336) 607-7500